

**ENTERED**

March 17, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MARY SPENCER,

Plaintiff,

v.

WAL-MART STORES TEXAS, LLC,

Defendant.

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CIVIL ACTION NO. H-22-1934

**MEMORANDUM ORDER**

On February 9, 2023, the court entered an Order granting Defendant Wal-Mart Stores Texas, LLC's Motion to Compel Arbitration and Stay Litigation (Docket Entry No. 15). The parties' Joint Status Report (Docket Entry No. 16) states that an arbitrator has been appointed. A district court has the discretion to dismiss an action when all the issues raised in the district court must be submitted to arbitration. Fedmet Corp. v. M/V BUYALYK, 194 F.3d 674, 678 (5th Cir. 1999); Alford v. Dean Witter Reynolds, Inc., 975 F.2d 1161, 1164 (5th Cir. 1992). Because all of the issues in this action will be arbitrated, there is no reason to retain jurisdiction over the action. Accordingly, the court will dismiss this action without prejudice.

**SIGNED** at Houston, Texas, on this 17th day of March, 2023.



SIM LAKE  
SENIOR UNITED STATES DISTRICT JUDGE